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6   UNITED STATES DISTRICT COURT

7   DISTRICT OF NEVADA

8   * * * * *

9   UNITED STATES OF AMERICA,   )
) Case no. 3:06-cr-00083
10   Plaintiff,   )
) ORDER
11   vs.   )
)
12   THOMAS R. DICKINSON,   )
)
13   Defendant.   )
)
14

15   Before the court is defendant Dickinson's Motion for an Order Discharging Term of

16   Supervised Release as Served (#42)[1]. The Government has responded (#50), and the court rules

17   as follows:

18   Defendant contends that his term of supervised release upon his conviction in this action

19   should be treated as having expired while he has served, and is currently serving, a state felony

20   prison sentence. His supervised release was previously revoked in late 2009, he was ordered to

21   serve six months incarceration with a further term of supervised release of thirty months

22   commencing on March 2, 2010.

23   On March 30, 2010, he was remanded back into state custody due to pending state

24   charges and he plead guilty to a Nevada state felony on May 4, 2010, and was thereafter

25   sentenced to 72 to 180 months in prison, where he remains today.

26   Defendant mistakenly contends that his supervised release should have been running and

27   now be expired as a result of his state prison sentence. He is clearly mistaken. Title 18 §

28   3624 (e) relating to supervision after release expressly provides, in pertinent part, "a term of

_____

[1] Refers to the court's docketing number.

1   supervised release does not run during any period in which a person is imprisoned in connection

2   with a conviction for a federal, state, or local crime unless the imprisonment is for a period of

3   less than thirty days."

4   The defendant's term of federal supervised release is merely tolled during the time he is

5   serving prison time upon a state felony conviction and will resume for its unexpired term upon

6   his parole or release from state prison. *United States v. Crane*, 979 F.2d 687 (9th Cir.).

7   Good cause appearing, the defendant's motion (#42) is DENIED.

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9   IT IS SO ORDERED.

10   DATED this 20th day of February, 2014.

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12   _____
                                                            LARRY R. HICKS
                                                            UNITED STATES DISTRICT JUDGE

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